

MICHAEL DAILEY, *et al.*,)
)
 Plaintiffs,)
)
 v.) Case No. 4:22-cv-00116-CDP
)
 BRIDGETON LANDFILL, LLC, *et al.*,)
)
 Defendants.)

Plaintiffs, through undersigned counsel, respectfully ask this Court to remand this case to state court.

Moreover, the factual prerequisites required for removal are not satisfied because the radioactive wastes in question are not source, special nuclear or byproduct material. This is confirmed by Cotter's own testimony. Because Plaintiffs' claims do not arise from source, special nuclear, or byproduct material, there has been no "nuclear incident" to establish federal court jurisdiction. 42 U.S.C. § 2014 (q). Plaintiffs' Memorandum in Support of this Motion is filed contemporaneously herewith and sets forth in more detail the reasons why this Court does not have jurisdiction.

WHEREFORE, Plaintiffs respectfully ask this Court to remand this case to state court.

ORAL ARGUMENT REQUESTED

Pursuant to Local Rule 78-4.02, Plaintiffs request oral argument on their Motion to Remand. Oral argument is warranted to provide the opportunity to further discuss the important issues presented, the parties' position on these issues, and the cited case law. In particular, oral argument will afford the parties an opportunity to discuss and answer any questions the Court may have regarding the specific pleading deficiencies.

Dated: February 28, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on all counsel of record via the court's electronic filing system on February 28, 2022.

/s/ Ryan Keane